

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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NATALIE THOMAS,

Plaintiff,

v.

NCO FINANCIAL SYSTEMS, INC. and  
NCO GROUP, INC.,

Defendants.

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**NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1331, 1441(b), and 1446, Defendant NCO Financial Systems, Inc. ("NCO"), by its attorney, hereby removes this action from the Court of Common Pleas, County of Montgomery, Commonwealth of Pennsylvania, to the United States District Court for the Eastern District of Pennsylvania. In support of this Notice of Removal, Defendant NCO states as follows:

1. Plaintiff Natalie Thomas originally commenced this action by filing a Complaint against Defendants, NCO and NCO Group, Inc. ("NCOG"), in the Court of Common Pleas, County of Montgomery, Commonwealth of Pennsylvania, where it is presently captioned as *Natalie Thomas vs. NCO Financial Systems, Inc. and NCO Group, Inc.*, Docket No.: 2011-22415. No further proceedings before the State court have occurred.

2. In the Complaint, plaintiff alleges statutory causes of action against Defendants, NCO and NCOG. A true and correct copy of Plaintiff's Complaint is attached hereto as Ex. "A."

3. Plaintiff accuses NCO and NCOG of violating the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.*

4. Defendants were served with Plaintiff's Summons and Complaint on or about December 29, 2011.

5. This Court has federal question jurisdiction over Plaintiff's claims pursuant to 28 U.S.C. §§ 1331 and 1441(b) in that the claims are "founded on a claim or right arising under the . . . laws of the United States . . ."

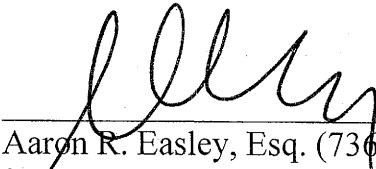
6. This Notice of Removal is timely, having been filed within thirty (30) days of the date on which NCO was served with Plaintiff's Complaint. *See* 28 U.S.C. § 1446. NCOG consents to the filing of this removal. Counsel will enter an appearance on behalf of NCOG after the action is docketed.

7. Written notice of this Notice of Removal of this action is being immediately provided to the Court of Common Pleas, County of Montgomery, Commonwealth of Pennsylvania. *See* Ex. "B."

8. Written notice of this Notice of Removal of this action is being caused to be served on counsel for the plaintiff.

WHEREFORE, Defendant NCO Financial Systems, Inc., gives notice that this action is removed from the Court of Common Pleas, County of Montgomery, Commonwealth of Pennsylvania to the United States District Court for the Eastern District of Pennsylvania.

Dated: January 16, 2012



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Aaron R. Easley, Esq. (73683)  
SESSIONS, FISHMAN, NATHAN & ISRAEL, L.L.C.  
200 Route 31 North, Suite 203  
Flemington, NJ 08822  
Phone: (908) 751-5940  
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[aeasley@sessions-law.biz](mailto:aeasley@sessions-law.biz)  
Attorney for Defendants  
NCO Financial Systems, Inc. and  
NCO Group, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 16<sup>th</sup> day of January 2012 a copy of the foregoing **Notice of Removal** was forwarded via Federal Express to the Clerk of the Court and to counsel for Plaintiff via regular mail at the below address.

Vicki Piontek, Esq.  
951 Allentown Road  
Lansdale, PA 19446  
Phone: 717-533-7472  
Fax: 866-408-6735  
Email: [palaw@justice.com](mailto:palaw@justice.com)  
Attorney for Plaintiff

By: \_\_\_\_\_

Aaron R. Easley, Esq.  
Attorney for Defendants  
NCO Financial Systems, Inc. and  
NCO Group, Inc.

EXHIBIT “A”

## Jury Trial Demanded

See Next Page >>>>>>>>>>>>>>>>

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

LAWYER REFERENCE SERVICE  
MONTGOMERY COUNTY BAR ASSOCIATION  
100 West Airy Street (REAR), NORRISTOWN, PA 19401  
(610) 279-9660, EXTENSION 201

Montgomery County Legal Aid Services  
625 Swede Street, Norristown, PA 19401  
610-275-5400

IN THE COURT OF COMMON PLEAS  
OF MONTGOMERY COUNTY, PENNSYLVANIA  
CIVIL ACTION-LAW

Natalie Thomas  
1465 S. 13<sup>th</sup> Street  
Harrisburg PA, 17104

Plaintiff

2011-22415

Vs.  
NCO Financial Systems  
507 Prudential Road  
Horsham, Pennsylvania, 19044  
and  
NCO Group, Inc.  
507 Prudential Road  
Horsham, Pennsylvania, 19044  
and  
John Does 1-10

Defendant(s)

Jury Trial Demanded

MAILED  
PROthonotary  
2011 01 28 A 10:09

**PLAINTIFF'S FIRST AMENDED COMPLAINT**

**INTRODUCTION**

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. 1692, et seq. (hereinafter "FDCPA").

**JURISDICTION AND VENUE**

2. This Court has jurisdiction and venue because the Defendant's principal place of business is located in this County in Pennsylvania.
3. This Court has jurisdiction and venue because a substantial portion of the conduct occurred in this County in Pennsylvania.



2011-22415-0005  
11 28 2011 11:16:20 AM  
Amended Complaint  
Receipt # Z1380086 Fee \$0.00  
Mark Levy - Montgomery County Prothonotary



### **PARTIES**

4. Plaintiff is Natalie Thomas, and adult individual residing with a principal address of 1465 South 13<sup>th</sup> Street, Harrisburg PA, 17104 in Dauphin County, Pennsylvania.
5. Defendant is NCO Financial Systems, a business engaged in the collection of consumer accounts, with a principle business address of 507 Prudential Road, Horsham, Pennsylvania, 19044.
6. Defendants may also include John Does 1-10, business entities and persons whose names, addresses and identities are not known to Plaintiff at this time, but will become known upon proper discovery proceedings.

**Count One: Violation of Fair Debt Collection Practices Act, 15 USC 1692 et. Seq.**

7. The preceding paragraphs are incorporated by reference and made a part of this complaint.
8. At all times mentioned in this Complaint, Plaintiff was acting as a consumer debtor as defined by the Fair Debt Collections Practices Act (FDCPA), 15 USC 1692 et. Seq.
9. At all times mentioned in this complaint, Defendant(s) was acting as a debt collector as defined by the FDCPA, 15 USC 1692 et. seq.
10. At all times mentioned herein, Defendant(s) was attempting to collect on an alleged consumer debt against Plaintiff.
11. At all times various employees of Defendant(s) were acting as agents of Defendant(s), and therefore Defendant is liable to Plaintiff under the doctrine of respondeat superior.
12. Within the applicable statute of limitations, prior to the commencement of this action, in the Year of our Lord, 2011, one or more telephone communications took place between Plaintiff and Defendant.

13. In one or more of the communications, a particular employee, agent or representative of Defendant stated to Plaintiff that the account was listed on Plaintiff's credit report.
14. Plaintiff became worried and concerned about her credit reports, and pulled her Transunion, Equifax and Experian credit reports.
15. The account referred to by the aforementioned agent, employee or representative of Defendant(s) did not appear on any of Plaintiff's credit reports.
16. Defendant's statement that the account appeared on Plaintiff's credit report was wholly false.
17. Defendant's statement that the account appeared on Plaintiff's credit report was made in bad faith to coerce payment from Plaintiff.
18. Defendant's statement that the account appeared on Plaintiff's credit report was in violation of 15 USC 1692 e and 15 USC 1692 f.

**DAMAGES**

19. Plaintiff is to up to \$1,000.00 statutory damages under the FDCPA 15 USC 1692k.
20. Plaintiff is entitled to actual damages of \$1.00 more or less, including but not limited to postage, phone calls, etc.
21. Plaintiff is entitled to actual damages for emotions distress for worry as a result of Defendant(s) illegal collection activity.
22. For purposes of a default judgment, Plaintiff believes and avers that there is a Dollar value of such actual damages for emotional distress in the amount of no less than \$5,000.00 .

### ATTORNEY FEES

23. Plaintiff is entitled to attorney fees of \$1,400.00 at a rate of \$350.00 per hour. Services include but not limited to the following.

- |   |         |
|---|---------|
| a. Consultation with client, review of file   | 1       |
| b. Drafting, editing review, filing and service of Complaint<br>and related documents | 1 hours |
| d. Follow up With Defense   | 2       |

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4

Total Reasonable Attorney Fees at \$350.00 per hour \$1,400

24. Plaintiff's attorney fees continue to accrue as the case move forward.

25. The above referenced attorney fees are an estimate of the amount of time necessary to prosecute the case and reasonable follow up.

**OTHER RELIEF**

26. Plaintiff also seeks an injunction against further unlawful collection activity.
27. Plaintiff seeks declaratory relief barring Defendants from further unlawful debt collection activity.
28. Plaintiff seeks such other relief as this Honorable Court may deem just and proper.
29. Plaintiff demands / requests a jury trial in this matter.

Wherefore, Plaintiff demands judgment against Defendant in the amount of \$7,838.50 enumerated below.

- a. \$1,000.00 statutory damages under the FDCPA 15 USC 1692k.
- b. \$1.00 more or less, actual damages, including but not limited to postage, phone calls, etc.
- c. \$1,400.50 attorney fees.
- d. \$5,000 emotional distress or other amount awarded by the Court

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\$7,401.00

Vicki Piontek

Vicki Piontek, Esquire  
Attorney for Plaintiff  
951 Allentown Road  
Lansdale, PA 19446  
717-533-7472  
Fax: 866-408-6735  
palaw@justice.com

11-25-2011  
Date

Nov. 21. 2011 8:47AM Central Pre-reg 717-230-3435

No. 7825 P. 2

IN THE COURT OF COMMON PLEAS  
OF MONTGOMERY COUNTY, PENNSYLVANIA  
CIVIL ACTION-LAW

Natalie Thomas  
1465 S. 13<sup>th</sup> Street  
Harrisburg PA, 17104

Plaintiff

2011-22415

Vs.

NCO Financial Systems  
507 Prudential Road  
Horsham, Pennsylvania, 19044

Jury Trial Demanded

and

NCO Group, Inc.  
507 Prudential Road  
Horsham, Pennsylvania, 19044

and

John Does 1-10

Defendant(s)

**VERIFICATION**

I, Natalie Thomas, have read the attached amended complaint. The facts stated in the complaint are true and accurate to the best of my knowledge, understanding and belief.

Natalie Thomas      11/21/11  
Natalie Thomas      Date



**EXHIBIT “B”**

SESSIONS, FISHMAN, NATHAN & ISRAEL, L.L.C.  
200 Route 31 North, Suite 203  
Flemington, NJ 08822  
Phone (908) 751-5940  
Fax (908) 751-5944  
Attorneys for Defendants  
NCO Financial Systems, Inc. and  
NCO Group, Inc.

NATALIE THOMAS,

Plaintiff,

v.

NCO FINANCIAL SYSTEMS, INC.  
AND NCO GROUP, INC.,

Defendants.

**COURT OF COMMON PLEAS OF  
MONTGOMERY COUNTY,  
COMMONWEALTH OF PENNSYLVANIA  
CIVIL ACTION- LAW**

2011-22415

**NOTICE OF FILING OF NOTICE OF  
REMOVAL TO THE UNITED STATES  
DISTRICT COURT FOR THE EASTERN  
DISTRICT OF PENNSYLVANIA**

TO: Clerk of the Court  
Office of the Prothonotary  
Court of Common Pleas  
Montgomery County Courthouse  
Swede and Airy Streets, First Floor  
Norristown, PA 19401

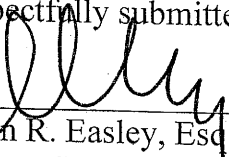
Vicki Piontek, Esq.  
951 Allentown Road  
Lansdale, PA 19446  
Phone: 717-533-7472  
Fax: 866-408-6735  
Email: [palaw@justice.com](mailto:palaw@justice.com)  
Attorney for Plaintiff

PLEASE TAKE NOTICE that this action has been removed to the United States District Court for the Eastern District of Pennsylvania. Attached hereto as Exhibit "1" is a copy of the Notice of Removal filed in the United States District Court effecting such removal.

PLEASE TAKE FURTHER NOTICE that in accordance with 28 U.S.C. § 1446(d), the Court of Common Pleas, County of Montgomery, Commonwealth of Pennsylvania, shall proceed no further in this action unless and until the action is remanded by the United States District Court for the Eastern District of Pennsylvania.

Dated: January 16, 2012

Respectfully submitted



Aaron R. Easley, Esq. (73683)  
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[aeasley@sessions-law.biz](mailto:aeasley@sessions-law.biz)  
Attorney for Defendants  
NCO Financial Systems, Inc. and  
NCO Group, Inc.

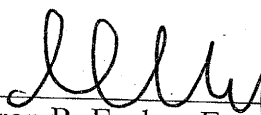
**CERTIFICATE OF SERVICE**

I hereby certify that on this 16th day of January 2012, a copy of the foregoing **Notice of Filing of Notice of Removal to the United States District Court for the Eastern District of Pennsylvania** was served by Federal Express upon the Clerk of the Court and via regular mail upon counsel at the below addresses:

Clerk of the Court  
Office of Prothonotary  
Court of Common Pleas  
Montgomery County Courthouse  
Swede and Airy Streets, First Floor  
Norristown, PA 19401

Vicki Piontek, Esq.  
Bar ID No. 83559  
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Lansdale, PA 19446  
Tel: 877-737-8617  
Fax: 866-408-6735  
[palaw@justice.com](mailto:palaw@justice.com)  
Attorney for Plaintiff

By:

  
\_\_\_\_\_  
Aaron R. Easley, Esq.  
Attorney for Defendants  
NCO Financial Systems, Inc. and  
NCO Group, Inc.